

REMARKS

Review and reconsideration of the subject application in view of the present amendment is respectfully requested.

Applicant appreciates the early indication of allowability of claims 26 and 27. In accordance with the Examiner's suggestion, claim 26 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims. As such, claim 26 is in condition for allowance and claim 27 remains allowable.

Claim 1 has been amended to clarify a feature of the present invention. Accordingly, applicant believes that claim 1 is in condition for allowance.

Claims 1-3, 19-21, 28, 32, and 33 were rejected in view U.S. Pat. No. 6,260,278 to Faher. Respectfully, applicant traverses the rejection. Amended claim 1 states, in pertinent part, "the arrangement being such that the line joining a point within the hand-grippable portion and the connection means is substantially parallel to the plane of rotation of the cutter means... when the cutter means is substantially vertical." For example, FIG. 2-4 of the instant application show that a line joining a point within the hand-grippable portion (9) and the connection means (3a and 3b) is substantially parallel to the plane of rotation of the cutter line (5) when the cutting head (1) is substantially vertical.

The Faher patent does not disclose such structure. It does not appear possible to form such an arrangement using the device disclosed in this citation. For example, FIG. 4 of the Faher patent shows the trimmer head (30) in a

substantially vertical arrangement. A line joining a point within the hand-grippable portion (16) and the connection means (50 and/or 100) cannot be parallel to the plane of rotation of the rotating cutting components (34). Additionally, Applicant has attached a photographic demonstration illustrating this point in accordance with the disclosure of this citation and respectfully requests the Examiner to review it for clarification. Accordingly, it is respectfully submitted that claims 1-3, 19-21, 28, 32, and 33 are allowable.

Amended claim 1 also states, in pertinent part, "the arrangement being such that... the elongate shaft is generally aligned along an edge of an area to be cut when the cutter means is substantially vertical." As such, when the device is used in edging mode, the user can perform an edging operation when positioned behind the cutting head of the device, and can move forwards (or backwards) along the edge of the area to be cut with his/her eye in line with the edge.

The Faher patent does not disclose such structure. Indeed, the Faher patent only describes a trimmer and fails to include any discussion whatsoever of the possibility of using the machine as an edger. More importantly, if a user were to use the trimmer of this citation as an edger, the user would be required to face the edge of the area to be cut in a perpendicular fashion and to move sideways during an edging operation. Thus, it is not possible to perform in-line edging using the trimmer disclosed in the Faher patent. The attached a photographic demonstration illustrates this point in accordance with the disclosure of this citation and respectfully requests the Examiner to review it for clarification. Accordingly, it is

respectfully submitted that claims 1-3, 19-21, 28, 32, and 33 are allowable.

Claims 22-25 were rejected over U.S. Pat. No. 6,260,278 to Faher in view of Examiner's Official Notice. Respectfully, applicant traverses the rejection. A ball-and-socket joint cannot be equivalent to the upper and lower housings (52 and 60) of the Faher patent without destroying the teachings of the citation. First, the citation states, in pertinent part, "joint assembly 50 includes an upper housing part 52 and a lower housing part 60, which form an enclosed *cylindrical* inner chamber 51." (emphasis added)(see Col. 5, lines 6-8) The citation also states, "upper housing 52 has a generally *cylindrical* cross-section formed by two arcuate end walls" and "lower housing 60 also has a generally *cylindrical* cross section formed by two arcuate end walls." (emphasis added)(see Col. 5, lines 21-25) As such, a cylindrical connection means having a cylindrical cross section formed by two arcuate end walls cannot be equivalent to the substantially spherical connection means of a ball-and-socket joint.

Additionally, the substitution of a ball-and-socket joint in place of the upper and lower housings (52 and 60) of the Faher patent would necessarily destroy the teachings of the reference. First, the citation states, in pertinent part, "the shiftable engagement of upper end walls 56 between lower housing end walls 66 and retaining ribs 68 allows the upper housing 52 to *pivot* inside lower housing 60." (emphasis added)(see Col. 5, lines 34-37) The citation also states, in pertinent part, "an important feature of the present invention is that the trimmer head pivot adjustment 40 [including the upper and lower housings (52 and 60)] enables the

trimmer head to *pivot* about an axis perpendicular to the longitudinal axis of the boom arm between several selectable positions.” (emphasis added)(see Col. 8, lines 5-9) As used in the description and shown in FIGS. 2-7 of the citation, the upper housing (52) pivots inside lower housing (60) along an arcuate path within the boundaries of a single plane of rotation as necessitated by the pivot selector assembly (70) through connecting rod 42. Were a ball-and-socket joint substituted for the upper and lower housings (52 and 60), the upper housing (52) would not be able to pivot inside lower housing (60) within the boundaries of a single plane of rotation as necessitated by pivot selector assembly (70) through connecting rod 42.

Additionally, a ball-and-socket joint allows for the adjustment of the cutting head through a single adjustment mechanism. The Faher patent does not disclose such structure. Instead, the citation discloses, at great length, the adjustment of the cutting head through a two adjustment mechanism. The citation states, in pertinent part, “from the foregoing, it will be appreciated that the *two adjustment mechanisms*, pivot adjustment 40 and swivel adjustment 100, *work independently* to allow the attitude and orientation of the cutting plane of the trimmer head to be adjusted about two different axis.” (emphasis added)(see Col. 7, lines 48-51) Were a ball-and-socket joint substituted for the upper and lower housings (52 and 60), the attitude and orientation of the cutting plane of the trimmer head 30 could not be adjusted through two adjustment mechanisms that work independently along different axes. Accordingly, it is respectfully submitted that claims 22-25 are allowable.

Claims 29-31 were rejected over U.S. Pat. No. 6,260,278 to Faher in view of

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U.S. Pat. No. 5,325,928 to Wagster *et al.* It is respectfully submitted that amended claim 1 obviates the need for further rejection. Accordingly, it is respectfully submitted that claims 29-31 are allowable.

It is believed no additional fees are required for this amendment. However, if any additional fees are due, please charge same to Deposit Account No. 16-0820, our Order No. 36246.

Respectfully submitted,
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